

Report Date: March 1, 2017

United States District Court

for the

Eastern District of WashingtonFILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**Mar 01, 2017**

SEAN F. McAVOY, CLERK

Petition for Warrant or Summons for Offender Under Supervision

Name of Offender: James Edward Kensler Case Number: 0980 2:11CR00080-RMP-1

Address of Offender: [REDACTED] Spokane Valley, Washington 99206

Name of Sentencing Judicial Officer: The Honorable Rosanna Malouf Peterson, U. S. District Judge

Date of Original Sentence: October 4, 2011

Original Offense: Assault on a Federal Officer 18 U.S.C. § 111(a)(1) and (b); Assault Resulting in Serious Bodily Injury, 18 U.S.C. §§ 113(a)(6) and 1153(a)

Original Sentence: Prison - 50 months Type of Supervision: Supervised Release
TSR - 36 monthsRevocation Sentence: Prison - 5 months
June 11, 2015 TSR - 31 monthsRevocation Sentence: Prison - 11 months
January 20, 2016 TSR - 20 months

Asst. U.S. Attorney: Patrick J. Cashman Date Supervision Commenced: September 27, 2016

Defense Attorney: Jill Gannon-Nagle Date Supervision Expires: May 26, 2018

PETITIONING THE COURT**To incorporate the violation(s) contained in this petition in future proceedings with the violation(s) previously reported to the Court on 01/27/2017 and 02/16/2017.**

The probation officer believes that the offender has violated the following condition(s) of supervision:

| <u>Violation Number</u> | <u>Nature of Noncompliance</u> |
|-------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 5 | <u>Special Condition # 20:</u> You shall abstain from the use of illegal controlled substances, and shall submit to urinalysis testing, as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from these substances. <u>Supporting Evidence:</u> Mr. Kensler failed to submit to a random urinalysis test at Alcohol Drug Education Prevention and Treatment (ADEPT), as directed, on February 27, 2017. |
| 6 | <u>Special Condition # 21:</u> You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from this substance. |

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Supporting Evidence: Mr. Kensler failed to submit to a random Breathalyzer test at ADEPT, as directed on February 27, 2017.

- 7 **Special Condition # 21:** You shall abstain from alcohol and shall submit to testing (including urinalysis and Breathalyzer), as directed by the supervising officer, but no more than six tests per month, in order to confirm continued abstinence from this substance.

Supporting Evidence: On or about February 16, 2017, Mr. Kensler violated his conditions of supervised release in Spokane, Washington, by consuming alcohol. Mr. Kensler reported to U.S. Probation to submit a random urinalysis test. The urine sample was sent to Alere Toxicology for further testing. On February 26, 2017, the lab report was received showing a positive result for ethylgucuronide and ethyl sulfate. The undersigned officer called staff at Alere Toxicology, and they confirmed the positive result is consistent with alcohol consumption.

- 8 **Special Condition #19:** You shall undergo a substance abuse evaluation and, if indicated by a license/certified treatment provider, enter into and successfully complete an approved substance abuse treatment program, which could include inpatient treatment and aftercare. You shall contribute to the cost of treatment according to your ability to pay. You shall allow full reciprocal disclosure between the supervising officer and treatment provider.

Supporting Evidence: Mr. Kensler was directed by the undersigned officer to obtain a chemical dependency evaluation. He had previously scheduled two chemical dependency evaluations, one on February 7, 2017, and another on February 24, 2017. Mr. Kensler canceled both evaluations and at the time of this report, he has not obtained a chemical dependency evaluation as directed.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: 03/01/2017

s/Corey M. McCain

Corey M McCain
U.S. Probation Officer

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THE COURT ORDERS

- ☐ No Action
- ☒ The Issuance of a Warrant
- ☐ The Issuance of a Summons
- ☒ The incorporation of the violation(s) contained in this petition with the other violations pending before the Court.
- ☐ Defendant to appear before the Judge assigned to the case.
- ☒ Defendant to appear before the Magistrate Judge.
- ☐ Other



Signature of Judicial Officer

March 1, 2017

Date